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14 FEDERAL DEPOSIT INSURANCE CORPORATION,  
as Receiver for LA JOLLA BANK, FSB  
15

16 **UNITED STATES BANKRUPTCY COURT**  
17 **DISTRICT OF NEVADA**

18 IN RE DANIEL GEORGE JOHN TARKANIAN  
AND AMY MICHELLE TARKANIAN,

19 Debtors.  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No: 13-20495-mkn

**DECLARATION OF JANICE MOCK IN  
SUPPORT OF STIPULATION TO  
AUTHENTICATE SPECIFIED EVIDENCE  
AT THE EVIDENTIARY HEARING ON  
FDIC-R'S OBJECTION TO CLAIMS OF  
EXEMPTION BY ALTERNATE DIRECT  
TESTIMONY AND WAIVER OF 14-DAY  
NOTICE REQUIREMENT UNDER LOCAL  
RULE 9017(D)(1)**

Date: May 1, 2014  
Time: 9:30 a.m.  
Courtroom: 2 (Third Floor)

Before Chief Judge Mike K. Nakagawa  
300 Las Vegas Boulevard South  
Las Vegas, Nevada

1 I, Janice Mock, declare as follows:

2 1. I am an attorney at law and a member of the State Bar of California. I am a Partner in the  
3 firm of Nossaman LLP, counsel of record in this action for Creditor Federal Deposit Insurance  
4 Corporation as Receiver for La Jolla Bank, FSB ("Creditor"). I have personal knowledge of the matters  
5 set forth in this declaration and, if called upon to do so, I could and would competently testify as to  
6 them. I make this declaration in support of the Stipulation to Authenticate Specified Evidence at the  
7 Evidentiary Hearing on FDIC-R's Objection to Claims of Exemption by Alternate Direct Testimony and  
8 Waiver of 14-Day Notice Requirement Under Local Rule 9017(d)(1).

9 2. I subpoenaed business records the Bank of America, N.A. on November 20, 2013.  
10 Attached hereto as **Exhibit 1** are true and correct copies of the Custodian Declarations dated December  
11 4, 2013 and April 10, 2014, which declarations accompanied the bank records produced by Bank of  
12 America, N.A. in response to the subpoena issued on November 20, 2013.

13 3. I also subpoenaed business records from Wells Fargo Bank, N.A. on March 31, 2014.  
14 Attached hereto as **Exhibit 2** are true and correct copies of the Custodian Declarations and Business  
15 Records Declarations dated April 4, 2014, April 7, 2014, and April 17, 2014, which declarations  
16 accompanied the bank records produced by Wells Fargo Bank, N.A., in response to the subpoena issued  
17 on March 31, 2014.

18 I declare under penalty of perjury under the laws of the United States of America that the  
19 foregoing is true and correct.

20 Dated this 21st day of April, 2014, in San Francisco, California.

21  
22  
23 By: \_\_\_\_\_

Janice Mock

# EXHIBIT 1

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Bank of America  
Legal Order Processing  
CA9-705-05-19  
P.O. Box 3609  
Los Angeles, CA 90051

December 04, 2013

NOSSAMAN, LLP  
JANICE MOCK, ESQ.  
50 CALIFORNIA ST., 34TH FL  
SAN FRANCISCO, CA 94111

RE: Reference # L112113000511  
Case: DANIEL TARKANIAN  
Name:  
Date Served: November 21, 2013

I, Ronald Lainez, declare that I am employed by Bank of America N.A. in the subpoena processing department and the Bank's designated duly authorized Custodian of Records for documents and/or information produced under the referenced legal order. The Bank reserves the right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced herein. I certify the authenticity of the records produced herewith and that they were:

- a) Made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.
- b) Kept in the course of regularly conducted activity.
- c) Made by the regularly conducted activity as a regular practice, by the personnel of the business.

The identity of the records produced is as follows.

- Statements, Deposits, Offsets, Checks in the name of Lois Huter Tarkanian for account number ending in 2786 for the time period of 7/1/07 to 11/18/13

The enclosed records are true copies of bank records in the custodian's possession as described in the referenced legal order. I am familiar with the mode of preparation of the enclosed records and they are prepared as follows:

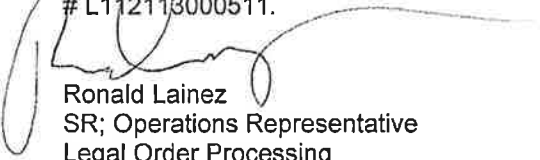
CHECKS: the checks drawn on the customer's account were presented to the Bank. While processing the item, an image of the front and back of the item was taken in the sequence the item was processed. The Bank stored the image in a secure environment. In response to this subpoena/legal order, the Bank retrieved and produced an image of the check.

STATEMENTS: Each statement was prepared after the closing date of the account cycle as indicated on the statement. The statement reflects debits (from checks, point of sale, ATM and teller withdrawals, fees, etc.) and credits (deposits, etc) to the account during the period covered by the statement.

DEPOSITS: Deposits are processed by the Bank at a central processing center. When the transaction was processed, a microfilm image of the front and back of the item was taken in the sequence the transaction was processed. The Bank stored the microfilm in a secure facility. In response to this subpoena/legal order, the Bank retrieved the microfilm reel and produced an image of the item.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 4 day of December, 2013 in the city of Los Angeles, in the State of CA

Should you need to forward any additional correspondence to us regarding this matter, please direct it to the address noted above. When contacting the Bank regarding this Subpoena, please use the Reference # L112113000511.



Ronald Lainez  
SR; Operations Representative  
Legal Order Processing  
213-580-0701

**DECLARATION OF  
CUSTODIAN OF RECORDS**

I, John Campbell, an employee of Bank of America, N.A., hereby declare as follows:

1. The attached materials are furnished pursuant to the subpoena requesting production of documents and records in the possession of Bank of America, N.A.
2. The attached materials are true and correct copies of records prepared in the ordinary course of business, at or near the time of the event or condition recorded, were made by a person with knowledge of the information contained therein, and were kept in the ordinary course of business of Bank of America, N.A.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and this declaration was signed this 10th day of April, in Phoenix, Arizona.

  
\_\_\_\_\_  
SignatureJohn Campbell  
\_\_\_\_\_

Print Name

# EXHIBIT 2

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Wells Fargo Bank, N.A.  
 Subpoena Processing Chandler  
 Po Box 29728 S3928-020  
 Phoenix, Az 85038  
 Voice: (480)724-2000

### BUSINESS RECORDS DECLARATION

I, Krista Yu, declare that I am employed by Wells Fargo Bank, N. A. ("Wells Fargo") in the Legal Order Processing Department and am a duly authorized and qualified witness to certify the authenticity of the attached documents and/or information produced pursuant to the legal order. The Bank reserves the right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced. I certify that the attached records:

- A) Were prepared by personnel of Wells Fargo in the ordinary course of business at or near the time of the acts, conditions or events described in the records; and
- B) It was the ordinary course of business for Wells Fargo employees or representatives with knowledge of the act, event, or condition recorded to make the record or transmit the information therein to be included in such record.

The records produced are described as follows:

<u>Case No: 8715672</u>			
Document Type	Account #	Paper Count	Total Copies
Checks/Debits	XXXXXX6667	1	1
Checks/Debits	XXXXXX7640	99	99
Checks/Debits	XXXXXX6667	279	279
Signature Cards	XXXXXX5251	4	4
Statements	XXXXXX6667	98	98
Deposits with offsets	XXXXXX5251	18	18
Statements	XXXXXX5251	55	55
Deposits with offsets	XXXXXX7640	62	62
Checks/Debits	XXXXXX7640	1	1
Checks/Debits	XXXXXX4133	0	0
Deposits with offsets	XXXXXX4133	0	0
Signature Cards	XXXXXX7640	3	3
Statements	XXXXXX4133	39	39
Certified Checks	XXXXXX6667	3	3
Checks/Debits	XXXXXX5251	10	10
Deposits with offsets	XXXXXX6667	636	636
Deposits with offsets	XXXXXX7640	2	2
Signature Cards	XXXXXX6667	5	5
Statements	XXXXXX7640	54	54
Signature Cards	XXXXXX4133	3	3
<b>Total Copies Delivered:</b>			<b>1,372</b>

Case No: 8715672; Agency Case No: 1320495MKN



I declare under penalty of perjury under the law(s) of the state of Nevada that the foregoing is true and correct according to my knowledge and belief. Executed on this 4th day of April, 2014, in the City of Chandler, State of Arizona.



Subpoena Processing Representative (480)724-2000

Image copies of requested transactions may be missing for the following reasons: Items not imaged, corrupted, blank, damaged, destroyed or not available, item(s) piggy-backed, electronic transaction(s). If the legal order requests certain types of loan information and other non-depository information, it was forwarded to other departments for compliance.

WELLS  
FARGOLegal Order Processing  
P.O. BOX 29728 MAC# S3928-020  
Phoenix, AZ 85038-9728  
Voice: (480) 724-2000

Page 1 of 2

DECLARATION FOR RECORDS OF REGULARLY CONDUCTED BUSINESS ACTIVITY	
Re: Subpoena	Our Reference #: 8715672
Agency Case #: 13-20495-mkn	Date Served: 03/31/2014
Banking Entity: Wells Fargo Bank, N.A. (the "Bank")	

I, **Johanna Emrhein**, declare that I am employed by Wells Fargo Bank, N. A., in the Subpoena Processing Department and the Bank's designated duly authorized Custodian of Records for documents and/or information produced under the above referenced legal order. The Bank reserves its right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced herein. I certify the authenticity of the records produced herewith and that they were:

- A) Made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.
- B) Kept in the course of regularly conducted activity.
- C) Made by the regularly conducted activity as a regular practice, by the personnel of the business.

**The identities of the records produced herewith are as follows:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Signature Card(s)               | <input type="checkbox"/> Statement(s)           | <input checked="" type="checkbox"/> Cashiers' Check(s) |
| <input checked="" type="checkbox"/> Deposit(s)/Credit(s) | <input type="checkbox"/> Check(s)/Withdrawal(s) | <input type="checkbox"/> Wire Transfer(s)              |
| <input type="checkbox"/> Other:                          |   |  |

**Records necessary for compliance may have been limited as indicated below:**

- ☐ The Bank **does not possess any of the records** as described in the above referenced legal order.
- ☐ The enclosed records are true copies of bank records. This constitutes **final** production, unless notified otherwise.
- ☒ The enclosed records are true copies of bank records. This submission constitutes **only part** of the records in the custodian's possession as described in the above referenced legal order.
- ☐ The Bank has received notification that **no further production is required**. File closed.
- ☐ Compliance with the above referenced legal order was **limited to the following** through agreement with the requesting party:
- ☐ The Bank is **unable to provide the following records** as described in the above referenced legal order:

Microfilm copies of requested transactions may be missing for the following reasons: Item(s) not on film, Film fogged, blank, black, damaged, destroyed or not available, item(s) piggy-backed on film, electronic transaction(s), or other reasons that may prevent the Bank from completing a thorough search of records. The Bank, generally and routinely, destroys records in accordance with its standards for records retention and destruction. The Bank's Legal Group will direct compliance for various types of loan information, and other non-depository information subject to the above referenced legal order.

WELLS  
FARGO

Legal Order Processing  
P.O. BOX 29728 MAC# S3928-020  
Phoenix, AZ 85038-9728  
Voice: (480) 724-2000

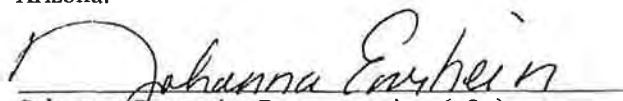
Page 2 of 2

Our Reference #: 8715672

I am familiar with the **mode of preparation** of the enclosed records. They were prepared as follows:

- ☐ Signature Card(s): The customer(s) whose name appears on the signature card/account application and agreement form submitted the form to the Bank requesting checking and/or savings account(s). The customer(s) submitted personal and financial information which were relied upon by the Bank. The customer(s) signed the form. The Bank opened the savings and/or checking account(s) listed on the signature card. The signature card was stored at and retrieved from the Bank's designated retention site(s).
- ☒ Check(s): The check(s) drawn on the customer(s) account(s) were presented to the Bank and paid. During the process of paying the check(s), a microfilm image of the front and back of the check(s) is taken in the sequence the check(s) is processed by the Bank. The microfilm/fiche is then stored in the Bank's secured facilities. In response to this legal order, the Bank retrieved the microfilm reel/fiche and produced an image of the check(s).
- ☒ Withdrawal Slip(s)/Deposit(s): The withdrawal(s) (as evidenced by a withdrawal slip) made by customer at a teller window and all deposits made either at a teller window or through an ATM are processed by the Bank at designated central processing centers. When the transaction is processed, a microfilm/fiche image of the front and back of the item is taken in the sequence the item is processed by the Bank. The microfilm/fiche is then stored in the Bank's secured facilities. In response to this legal order, the Bank retrieved the microfilm reel/fiche and produced an image of the withdrawal slip(s)/deposit(s).
- ☐ Statement(s): Each monthly statement was prepared immediately after the closing date of the monthly account cycle as indicated on the statement(s). The statement(s) accurately reflects all debit entries (checks, point of sale, ATM, teller withdrawals, fees, etc.) and credits (deposits, etc.) which occurred on the account(s) during the monthly account cycle.
- ☐ Other: Original records were prepared or received at or near the time of their creation and were stored by the Bank in the ordinary course of business. Upon receipt of this subpoena, we searched and retrieved the original records and prepared a true and correct copy using generally accepted photocopying techniques.

I declare under penalty of perjury under the law(s) of the state of Arizona that the foregoing is true and correct according to my knowledge and belief. Executed on this 4th day of April, 2014, in the City of Chandler, State of Arizona.

  
Subpoena Processing Representative (480) 724-2000

Microfilm copies of requested transactions may be missing for the following reasons: Item(s) not on film, Film fogged, blank, black, damaged, destroyed or not available, item(s) piggy-backed on film, electronic transaction(s), or other reasons that may prevent the Bank from completing a thorough search of records. The Bank, generally and routinely, destroys records in accordance with its standards for records retention and destruction. The Bank's Legal Group will direct compliance for various types of loan information, and other non-depository information subject to the above referenced legal order.



# REDACTED

Wells Fargo Bank, N.A.  
 Subpoena Processing Chandler  
 Po Box 29728 S3928-020  
 Phoenix, Az 85038  
 Voice: (480)724-2000

## BUSINESS RECORDS DECLARATION

I, Lori Blaisdell, declare that I am employed by Wells Fargo Bank, N. A. ("Wells Fargo") in the Legal Order Processing Department and am a duly authorized and qualified witness to certify the authenticity of the attached documents and/or information produced pursuant to the legal order. The Bank reserves the right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced. I certify that the attached records:

- A) Were prepared by personnel of Wells Fargo in the ordinary course of business at or near the time of the acts, conditions or events described in the records; and
- B) It was the ordinary course of business for Wells Fargo employees or representatives with knowledge of the act, event, or condition recorded to make the record or transmit the information therein to be included in such record.

The records produced are described as follows:

<u>Case No: 8715672</u>			
Document Type	Account #	Paper Count	Total Copies
Checks/Debits	XXXXXX5537	52	52
Checks/Debits	XXXXXX6675	368	368
Checks/Debits	XXXXXX3974	0	0
We were unable to locate copies of debits relating to account <span style="color: blue;">XXX</span> 3974 during the specified timeframe.			
<b>Total Copies Delivered:</b>			<b>420</b>

I declare under penalty of perjury under the law(s) of the state of Nevada that the foregoing is true and correct according to my knowledge and belief. Executed on this 7th day of April, 2014, in the City of Chandler, State of Arizona.

Subpoena Processing Representative (480)724-2000

Image copies of requested transactions may be missing for the following reasons: Items not imaged, corrupted, blank, damaged, destroyed or not available, item(s) piggy-backed, electronic transaction(s). If the legal order requests certain types of loan information and other non-depository information, it was forwarded to other departments for compliance.

Case No: 8715672; Agency Case No: 1320495MKN



Legal Order Processing  
P.O. BOX 29728 MAC# S3928-020  
Phoenix, AZ 85038-9728  
Voice: (480) 724-2000

Page 1 of 2

DECLARATION FOR RECORDS OF REGULARLY CONDUCTED BUSINESS ACTIVITY	
Re: Legal Order	Our Reference #: 8715672
Agency Case #: 1320495MKN	Date Served: 03/31/14
Banking Entity: Wells Fargo Bank, N.A. (the "Bank")	

I, **Terry Holland**, declare that I am employed by Wells Fargo Bank, N. A., in the Subpoena Processing Department and the Bank's designated duly authorized Custodian of Records for documents and/or information produced under the above referenced legal order. The Bank reserves its right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced herein. I certify the authenticity of the records produced herewith and that they were:

- A) Made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.
- B) Kept in the course of regularly conducted activity.
- C) Made by the regularly conducted activity as a regular practice, by the personnel of the business.

**The identities of the records produced herewith are as follows:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Signature Card(s)               | <input type="checkbox"/> Statement(s)           | <input type="checkbox"/> Cashiers' Check(s) |
| <input checked="" type="checkbox"/> Deposit(s)/Credit(s) | <input type="checkbox"/> Check(s)/Withdrawal(s) | <input type="checkbox"/> Wire Transfer(s)   |
| <input type="checkbox"/> Other:                          |   |   |

**Records necessary for compliance may have been limited as indicated below:**

- ☐ The Bank **does not possess any of the records** as described in the above referenced legal order.
- ☒ The enclosed records are true copies of bank records. This constitutes **final** production, unless notified otherwise.
- ☐ The enclosed records are true copies of bank records. This submission constitutes **only part** of the records in the custodian's possession as described in the above referenced legal order.
- ☐ The Bank has received notification that **no further production is required**. File closed.
- ☐ Compliance with the above referenced legal order was **limited to the following** through agreement with the requesting party:
- ☐ The Bank is **unable to provide the following records** as described in the above referenced legal order:

Microfilm copies of requested transactions may be missing for the following reasons: Item(s) not on film, Film fogged, blank, black, damaged, destroyed or not available, item(s) piggy-backed on film, electronic transaction(s), or other reasons that may prevent the Bank from completing a thorough search of records. The Bank, generally and routinely, destroys records in accordance with its standards for records retention and destruction. The Bank's Legal Group will direct compliance for various types of loan information, and other non-depository information subject to the above referenced legal order.



Legal Order Processing  
P.O. BOX 29728 MAC# S3928-020  
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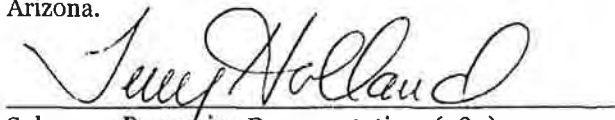
Page 2 of 2

**Our Reference #: 8715672**

I am familiar with the **mode of preparation** of the enclosed records. They were prepared as follows:

- ☐ Signature Card(s): The customer(s) whose name appears on the signature card/account application and agreement form submitted the form to the Bank requesting checking and/or savings account(s). The customer(s) submitted personal and financial information which were relied upon by the Bank. The customer(s) signed the form. The Bank opened the savings and/or checking account(s) listed on the signature card. The signature card was stored at and retrieved from the Bank's designated retention site(s).
- ☐ Check(s): The check(s) drawn on the customer(s) account(s) were presented to the Bank and paid. During the process of paying the check(s), a microfilm image of the front and back of the check(s) is taken in the sequence the check(s) is processed by the Bank. The microfilm/fiche is then stored in the Bank's secured facilities. In response to this legal order, the Bank retrieved the microfilm reel/fiche and produced an image of the check(s).
- ☒ Withdrawal Slip(s)/Deposit(s): The withdrawal(s) (as evidenced by a withdrawal slip) made by customer at a teller window and all deposits made either at a teller window or through an ATM are processed by the Bank at designated central processing centers. When the transaction is processed, a microfilm/fiche image of the front and back of the item is taken in the sequence the item is processed by the Bank. The microfilm/fiche is then stored in the Bank's secured facilities. In response to this legal order, the Bank retrieved the microfilm reel/fiche and produced an image of the withdrawal slip(s)/deposit(s).
- ☐ Statement(s): Each monthly statement was prepared immediately after the closing date of the monthly account cycle as indicated on the statement(s). The statement(s) accurately reflects all debit entries (checks, point of sale, ATM, teller withdrawals, fees, etc.) and credits (deposits, etc.) which occurred on the account(s) during the monthly account cycle.
- ☐ Other: Original records were prepared or received at or near the time of their creation and were stored by the Bank in the ordinary course of business. Upon receipt of this subpoena, we searched and retrieved the original records and prepared a true and correct copy using generally accepted photocopying techniques.

I declare under penalty of perjury under the law(s) of the state of Nevada that the foregoing is true and correct according to my knowledge and belief. Executed on this 17<sup>th</sup> day of April, 2014, in the City of Chandler, State of Arizona.

  
Subpoena Processing Representative (480) 724-2027

Microfilm copies of requested transactions may be missing for the following reasons: Item(s) not on film, Film fogged, blank, black, damaged, destroyed or not available, item(s) piggy-backed on film, electronic transaction(s), or other reasons that may prevent the Bank from completing a thorough search of records. The Bank, generally and routinely, destroys records in accordance with its standards for records retention and destruction. The Bank's Legal Group will direct compliance for various types of loan information, and other non-depository information subject to the above referenced legal order.